

ents, gum gluten, and the protein derived therefrom, together with the protein derived from durum flour and semolina, exceeded 13 percent of the weight of the finished food.

Further misbranding, Section 403 (g) (1), the article labeled in part "Buitoni 20% Protein Spaghetti" purported to be and was represented as a macaroni product, spaghetti, a food for which a definition and standard of identity has been prescribed, and the article failed to conform to such definition and standard. The definition and standard provides that when the macaroni product, spaghetti, contains as one of its optional ingredients, added gum gluten, the protein content of the finished food is not more than 13 percent by weight. The article contained as one of its optional ingredients, added gum gluten, and its protein content was more than 13 percent by weight.

**DISPOSITION:** Buitoni Products, Inc., appeared as claimant and filed an answer to the libel. On October 11, 1951, a stipulation between the parties was approved by the court, pursuant to which it was agreed that since the products had deteriorated, resulting in the questions of law raised by the libel having become moot, the product under seizure should be destroyed and the case dismissed with prejudice.

**18409. Adulteration of spaghetti dinner. U. S. v. 23 Cases \* \* \*. (F. D. C. No. 32055. Sample No. 29526-L.)**

**LIBEL FILED:** November 2, 1951, Western District of Washington.

**ALLEGED SHIPMET:** On or about August 12, 1946, from Milwaukie, Oreg.

**PRODUCT:** 23 cases, each containing 24 cartons, of spaghetti dinner at Tacoma, Wash. Each carton contained 8 ounces of spaghetti, 7½ ounces of sauce, and ½ ounce of cheese.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested spaghetti and cheese, and of a decomposed substance by reason of the presence of decomposed sauce. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 18, 1952. Default decree of condemnation and destruction.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

**18410. Adulteration of corn grits. U. S. v. Pabst Brewing Co. Plea of nolo contendere. Fine of \$600, plus costs. (F. D. C. No. 31566. Sample Nos. 9984-L to 9987-L, incl., 23851-L, 31695-L.)**

**INFORMATION FILED:** December 27, 1951, Southern District of Illinois, against the Pabst Brewing Co., a corporation, Peoria, Ill.

**ALLEGED SHIPMENT:** On or about June 20, 21, and 22, 1951, from the State of Illinois into the States of Wisconsin and New Jersey.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, rodent excreta fragments, rodent hairs, and larvae; and, Section 402 (a) (4), the

\*See also Nos. 18407, 18438.

article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 3, 1952. A plea of nolo contendere having been entered, the court imposed a fine of \$600, plus costs.

**18411. Adulteration of unpopped popcorn. U. S. v. 59 Cases, etc. (F. D. C. No. 30124. Sample Nos. 78359-K, 78360-K, 90261-K to 90263-K, incl.)**

**LABEL FILED:** November 10, 1950, District of Montana; amended October 22, 1951.

**ALLEGED SHIPMENT:** On or about July 14 and December 17, 1949, from Buhl, Idaho.

**PRODUCT:** 59 cases, each containing 24 1-pound packages, and 25 cases, each containing 12 2-pound packages, of unpopped popcorn at Missoula, Mont.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect-damaged kernels, and of a decomposed substance by reason of the presence of moldy kernels. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 21, 1951. Southern Idaho Growers, Buhl, Idaho, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be denatured and turned over to a State institution, for use as animal feed or destroyed.

## DAIRY PRODUCTS

### BUTTER

**18412. Adulteration of butter. U. S. v. Harold A. Hamilton (Eldorado Creamery Co.). Plea of guilty. Fine of \$1,000 and sentence of 2 years in jail. Jail sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 31578. Sample Nos. 12520-L, 12523-L.)**

**INFORMATION FILED:** January 22, 1952, Southern District of Ohio, against Harold A. Hamilton, trading as the Eldorado Creamery Co., Eldorado, Ohio.

**ALLEGED SHIPMENT:** On or about September 15 and 22, 1951, from the State of Ohio into the State of Indiana.

**LABEL, IN PART:** (Wrapper) "Wayne County Farm Bureau Produce Ass'n. Distributors Richmond, Indiana Creamery Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly fragments, cow hairs, mites, feather barbules, insect fragments, and rodent hair fragments.

**DISPOSITION:** June 9, 1952. A plea of guilty having been entered, the court imposed a fine of \$1,000 and a sentence of 2 years in jail, which sentence was suspended, and placed the defendant on probation for 2 years.